



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 3664-00
14 July 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 July 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Naval Reserve on 13 July 1942 at age 19. The record shows that during the period from 20 February 1943 to 22 October 1943 you received nonjudicial punishment and were convicted by two deck courts. Your offenses were three periods of unauthorized absence totaling about 12 hours and missing ship's movement. You then served about eight months before your next disciplinary infraction. During this period you were advanced in rate and participated in several operations and campaigns in the Pacific area. On 6 June 1944 you were convicted by a summary court-martial of an unauthorized absence of about three hours, possession of two identification cards, and of being under the influence of alcohol. On 4 January 1945 you were convicted by a second summary court-martial of an unauthorized absence of about eight days. You then served without incident until you were issued a general discharge on 11 October 1945.

The Board was aware that regulations then in effect precluded the issuance of an honorable discharge to anyone convicted by two summary courts-martial.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, periods of good wartime service and the nature of your offenses. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your conviction by two summary courts-martial and other misconduct. Since you have been treated no differently than others convicted by two summary courts-martial, the Board could not find an error or injustice in your case.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director